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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,142	07/25/2001	Eugene B. Hogenauer	QST-013US/2097P	8210
7590 11/09/2004			EXAMINER	
Joseph A. Sawyer, Jr. SAWYER LAW GROUP LLP P.O. Box 51418 Palo Alto, CA 94303			PAN, DANIEL H	
			ART UNIT	PAPER NUMBER
			2183	
DATE MAILED: 11/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,142

Applicant(s)

HOGENAUER, EUGENE B.

Examiner

Daniel Pan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 16 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-17 remain for examination.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Ebicioglu et al. (5,721,854).

3. As to the newly amended feature of determining which stage of processing " each instruction code " in the VLIW (see claim 1, lines 4-5, claim 13, lines 6-7), Ebicioglu also taught each of his instructions in the VLIW (see each of the instructions, Branch, Fixed point and Floating point in the given VLIW format in fig.2) had a bit field (see the Bc for branch condition , Xc for the fixed point condition, and Fx for the floating point condition) for determining which processing path of processing (see the specific condition field for specific path in each instruction in col.4, lines 50-67, col.5, lines 1-15, see also the tree nodes in fig.4).

4. The rejection Applicant's arguments filed on 08/16/04 have been fully considered but they are not persuasive. See discussions below.

5. The rejection has been maintained and incorporated the last office action on 05/13/04.

6. In the remarks, applicant argued that :

a) Ebicioglu's condition indication for indicating the execution path was used for branch instruction only, not for each instruction in the VLIW (see page 8, lines 8-15 of applicant's remarks);

b) condition codes and the bit masks/flags used for each instruction in Ebicioglu is not enable signal encoded in each instruction.

7. As to a) above, Ebicioglu not only disclosed the condition code for indicating which execution path for his branch instruction , but also taught condition fields (e.g. see Xc1, Fc1) in each of the respective fixed and floating point instructions in the VLIW (see , col.5, lines 1-15) for indicating specific execution paths , see the execution paths in col.5, lines 1-15, see also the tree nodes in fig.5).

8. As to b) above, Ebicioglu taught clearly that these condition flags were put into the Xc and Fc fields of the VLIW instructions (see col.4, lines 28-31) . Furthermore, each of the instructions (see fig.2) has the Bc, Xc and Fc fields respectively, and were used for indicating the processing paths (see col.5, lines 1-15). If the value of the proper condition fields of the flags were not in place, specific execution paths would not have operated., therefore, these condition bit fags were enabling signals.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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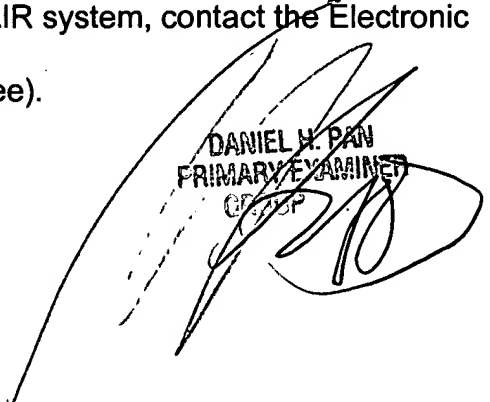
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 703 305 9696, or the new number 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 703 305 9712, or the new number 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DANIEL H. PAN
PRIMARY EXAMINER
09/2009



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